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PATENT

REMARKS

Claims 53-67 are pending in this application. By this Amendment, Claims 53, 59-64, 66 and 67 are amended. Favorable reconsideration is respectfully requested in light of the following Remarks.

Applicant gratefully acknowledges extended to Applicant and Applicant's representative during the February 7, 2006 telephone interview. The sum and substance of the interview is contained in the above amendment and following Remarks.

Applicant also gratefully acknowledges that the Office action indicates that Claims 59-64 are allowable. For the reasons set forth below, it is respectfully submitted that the remaining claims define allowable subject matter.

Entry of this Amendment is proper under 37 CFR §1.116 because this Amendment: (a) places the application in condition for allowance (for the reasons discussed herein); (b) does not raise any new issue requiring further search and/or consideration because the amendments amplify issues previously discussed throughout prosecution; (c) does not add claims without deleting a corresponding number of claims; and (d) places the application in better form for appeal, should an appeal be necessary.

With respect to item (b) above, independent Claim 53 as filed in the Preliminary Amendment dated December 12, 2003 defined a layered composite structure comprising an outer layer with an opaque visual appearance defining the exterior surface of the panel structure, an inner layer adhered to the inner surface of the outer layer, characterized in that the inner layer further comprises an adhesively bonded pre-formed seam defining structure that defines a frangible line corresponding to an invisible tear seam. Independent Claim 67 filed in the same Preliminary Amendment defined a layered composite structure comprising a substantially non-cellular outer layer defining an exposed exterior surface of the panel structure, a substantially non-cellular inner layer disposed adjacent to the inner surface of the outer layer, and a seam-defining structure disposed in the inner layer or between the outer layer and the inner layer that defines a tear seam.

It is respectfully submitted that the scope of the claimed invention recited in amended independent Claims 53 and 67 has not changed as compared to the earlier-filed Claims 53 and

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67. Specifically, the earlier-filed Claims 53 and 67 and the Claims 53 and 67 amended herein both define a same composite structure in which a seam defining structure is disposed in the inner layer or disposed between inner and outer layers. The amended Claims 53 and 67 more clearly define the seam defining structure to more clearly distinguish this feature from the applied art. Thus, a new search and/or consideration is not required by the Examiner with respect to amended Claims 53 and 67 presented herein. In view of the foregoing, entry of this Amendment is thus respectfully requested.

1. The Office action rejects Claims 53-55, 57 and 65-67 under 35 U.S.C. §102(e) over Wirt (U.S. Patent No. 5,728,342, hereinafter "Wirt"). The rejection is respectfully traversed.

By this Amendment, independent Claim 53 is amended to define the feature of an outer layer defining the exterior surface of a panel structure, an inner layer bonded to an inner surface of said outer layer, and a seam defining structure disposed between the inner and outer layers so as to effect the bond strength between the inner and outer layers, thereby defining a tear seam that fractures in response to operation of a secondary restraint system.

By this Amendment, independent Claim 67 is amended to define the feature of an outer layer having an inner surface and an outer surface, the outer surface defining an exposed exterior surface of the panel structure, the outer layer being substantially non-cellular; an inner layer bonded to the inner surface of the outer layer, the inner layer being substantially non-cellular; and a seam defining structure disposed in the inner layer or between the outer layer and the inner layer that causes a difference in the bond strength between the inner and outer layers about the seam defining structure, thereby defining a tear seam for fracturing in response to operation of a secondary restraint system.

Wirt discloses a method of making an invisible instrument panel or dashboard airbag cover door. A dashboard panel 14 or trim panel 36 includes a one piece molded substrate 38, an outer trim or skin layer 48, and an intermediate foam layer 46 therebetween. *See Fig. 6.* A cover door 20 is located along an edge 22 of the dashboard 14 and is defined by two parallel tear propagation seams or lines 28, 30 in the form of a groove. *See Figs. 1 and 2; col. 5, lines 17-19.*

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A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently described in a single prior art reference. *See MPEP §2131*. As amended, independent Claims 53 and 67 define the feature of an outer layer defining at least a portion of an exterior surface of a panel structure, an inner layer directly bonded to the outer layer, and a seam defining structure being disposed in or directly between the inner and outer layers so as to effect the bond strength or cause a difference in the bond strength between the inner and outer layers, thereby defining a tear seam for fracturing in response to operation of a secondary restraint system. It is respectfully submitted that at least this feature is not disclosed, taught or suggested in the applied art, so the rejection is misplaced and should be withdrawn.

For at least this reason, Claims 53 and 67 are allowable over the applied art. Claims 54, 55, 57, 65 and 66, which ultimately depend from Claim 53, are likewise allowable over the applied art. Withdrawal of the rejection is respectfully requested.

2. The Office action rejects Claim 56 under 35 U.S.C. §103(a) over Wirt in view of Iannazzi (U.S. Patent No. 5,429,784, hereinafter "Iannazzi"). The rejection is respectfully traversed.

Claim 56 ultimately depends from independent Claim 53. As mentioned above, there is no mention in Wirt of at least the feature of an outer layer defining the exterior surface of a panel structure, an inner layer bonded to an inner surface of said outer layer, and a seam defining structure disposed between the inner and outer layers so as to effect the bond strength between the inner and outer layers about the seam defining structure, thereby defining a tear seam that fractures in response to operation of a secondary restraint system. Iannazzi adds nothing to overcome this shortcoming. Thus, the combination of Wirt and Iannazzi fails to teach all the claim limitations of Claim 56, and the Office action fails to establish a *prima facie* case of obviousness. *See MPEP §2143*.

For at least this reason, Claim 56 is allowable over the applied art. Withdrawal of the rejection is respectfully requested.

3. The Office action rejects Claim 58 under 35 U.S.C. §103(a) over Wirt in view of Rafferty (U.S. Patent No. 5,222,760, hereinafter "Rafferty"). The rejection is respectfully traversed.

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Claim 58 ultimately depends from independent Claim 53. As mentioned above, there is no mention in Wirt of at least the feature of an outer layer defining the exterior surface of a panel structure, an inner layer bonded to an inner surface of said outer layer, and a seam defining structure disposed between the inner and outer layers so as to effect the bond strength between the inner and outer layers about the seam defining structure, thereby defining a tear seam that fractures in response to operation of a secondary restraint system.. Rafferty adds nothing to overcome this shortcoming. Thus, the combination of Wirt and Rafferty fails to teach all the claim limitations of Claim 58, and the Office action fails to establish a *prima facie* case of obviousness. See *MPEP* §2143.

For at least this reason, Claim 58 is allowable over the applied art. Withdrawal of the rejection is respectfully requested.

4. The Office action rejects Claims 53-67 under the judicially-created doctrine of non-statutory obviousness-type double patenting over Claims 1-7 of U.S. Patent No. 6,753,057. The rejection is respectfully traversed.

A Terminal Disclaimer obviating the double patenting rejection is attached hereto. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is earnestly solicited.

Should Examiner Ahmad believe anything further would be desirable in order to place the application in better condition for allowance; the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

It is believed that any additional fees due with respect to this paper have already been identified. However, if any additional fees are required in connection with the filing of this paper, permission is given to charge account number 50-3145 in the name of Honigman Miller Schwartz and Cohn LLP.

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Respectfully submitted,



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